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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3263

AN ORDINANCE relating to the retention of significant trees; amending Bellevue City Code (Land Use Code) 20.20.520.E, 20.25A..110.B.2, 20.50.046, 20.20.520.J, and 20.20.520.K.2.

WHEREAS, it is desirable to provide for the retention of existing trees and associated undergrowth in a manner which will insure their long term existence; and

WHEREAS, the intensity and nature of potential development in the CBD is not compatible with the retention of large trees; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and with the City's Environmental Procedures Ordinance; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code (Land Use Code) 20.20.520.E is amended to read as follows:

E. Preservation of Significant Trees:

1. Perimeter Landscaping Area:

In the required perimeter landscaping area, the applicant shall retain all significant trees which will not constitute a safety hazard. Area devoted to access and sight areas as defined in this Code, and area to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements is exempt from this requirement.

2. Site Interior:

In areas of the site other than the required perimeter landscape area, the applicant must retain at least 15% of the significant trees existing in this area. Special attention shall be given to the preservation of the following:

- a. The preservation of healthy significant trees over 60' in height.

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- b. The preservation of significant trees which form a continuous canopy.
- c. The preservation of significant trees which contribute to the character of the environment, and do not constitute a safety hazard.
- d. The preservation of significant trees which provide winter wind protection or summer shade.
- e. The preservation of groups of significant trees which create a distinctive skyline feature.
- f. The preservation of significant trees in areas of steep slopes or adjacent to watercourses or wetlands.

3. Exemption:

The provisions of Paragraph E which require retention of significant trees are not applicable in any CBD Land Use District.

- 4. The applicant shall utilize tree protection techniques approved by the Planning Director during land alteration and construction in order to provide for the continued healthy life of retained significant trees.
- 5. Reduced Parking Bonus: If the proposed landscape plan incorporates the retention of significant trees above that required by this Section, the Planning Director may approve a reduction of up to 10% of the required number of parking spaces if adequate parking will remain on the subject property, and if land area for the required number of spaces remains available for future development on the subject property.

Section 2. Bellevue City Code (Land Use Code) 20.25A.110.B.2 is amended to read as follows:

2. Landscape Design:

- a. Make effective use of significant landscape features to complement and contrast with building forms. This includes massing of plant materials to constitute a recognizable visual unit which contrasts effectively with built forms.
- b. Encourage retention of significant existing vegetation, where it can be incorporated into efficient site design and maintained in a safe and healthful condition.

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Section 3. Bellevue City Code (Land Use Code) 20.50.046
(SIGNIFICANT TREE) is amended to read as follows:

SIGNIFICANT TREE A healthy evergreen tree, 8" in diameter or greater, measured 4' above existing grade, and a healthy deciduous tree, 12" in diameter or greater, measured 4' above existing grade. The Planning Director may authorize the exclusion of any tree which for reasons of health, age or site development is not desirable to retain. The Planning Director may also approve the retention of a group of smaller trees as a substitute for one or more significant trees.

Section 4. Bellevue City Code (Land Use Code) 20.20.520.J is amended to read as follows:

J. Alternative Landscaping Option:

1. The applicant may request a modification of the landscaping requirements set forth in paragraphs E through I of this Section.
2. The Planning Director may approve a modification of the landscaping requirements of this Chapter only if -
 - a. The proposed landscaping represents a superior result than that which could be achieved by strictly following the requirements of this Section, and
 - b. The proposed landscaping complies with the stated Purpose of this Section (20.20.520.A), and with the Purpose and intent of Paragraphs F.1 and G. of this Section, and
 - c. If a modification of any Paragraph excluding Paragraph E is requested, the proposed landscaping either - -
 - i. Incorporates the increased retention of significant trees and naturally occurring undergrowth, or
 - ii. Better accommodates or improves the existing physical conditions of the subject property, or
 - iii. Incorporates elements to provide for wind protection or to maintain solar access;
 - d. If a modification of Paragraph E is requested, the proposal either - -
 - i. Incorporates the retention of significant trees equal in number to what would otherwise be required, or

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- ii. Incorporates the retention of other natural vegetation in consolidated locations which promotes the natural wooded character of the site.
- 3. Public notice:
 - a. Within 5 days following the decision of the Planning Director, the City shall mail notice of the decision and a description of the appeal process to each property owner and each resident of property which abuts or is across a street or access easement from the subject property.
 - b. When a request to modify landscaping is combined with a decision using the Administrative Design Review Process (20.30.475), public notice shall be given as required by Section 20.30.475 and the requirements of Paragraph 3.a of this Section are waived.
- 4. Appeal:
 - a. Any person to whom notice of the decision of the Planning Director was mailed as specified in Paragraph 3 may appeal that decision within 20 days from the date it was mailed by following the provisions of Section 20.30.075-.095 of this Code, provided that an appeal under this Section shall be to the Hearing Examiner.
 - b. If public notice was provided pursuant to Section 20.30.475, the appeal provisions of that Section apply.
- 5. Minimum Application Information: The applicant shall submit the information required in Paragraph D of this Section. In addition, the applicant shall provide a list of addresses including all property owners and all residents of property which abuts, or is across a street or access easement from the subject property.
- 6. Landscape Professional Required: Notwithstanding the provisions of Paragraph D of this Section, any landscape development proposal submitted under Paragraph J of this Section must be approved by a privately retained registered landscape architect, Washington Certified Nurseryman, or Washington Certified Landscaper prior to submittal of the proposal to the Planning Department.
- 7. Effect of Approval: Following approval of alternative landscaping by the Planning Director, the applicant may

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meet the landscaping requirements of this Code by complying with the approved alternative landscape development proposal. A copy of the approved landscape development proposal will be placed in the official file.

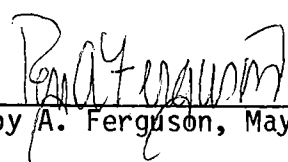
Section 5. Bellevue City Code (Land Use Code) 20.20.520.K.2 is amended to read as follows:

2. The Planning Director shall require a maintenance assurance device for a period of one year from the completion of planting in order to insure compliance with the requirements of this Section. The value of a maintenance assurance device must equal at least 20% of the replacement cost of the landscape materials, and shall be utilized by the City to perform any necessary maintenance, and to reimburse the City for documented administrative costs associated with action on the device.

Section 6. This ordinance shall be published by posting it in the three official posting places of the City, and shall take effect and be in force five days after the date of posting.

PASSED by the City Council this 6th day of June, 1983,
and signed in authentication of its passage this 6th day
of June, 1983.

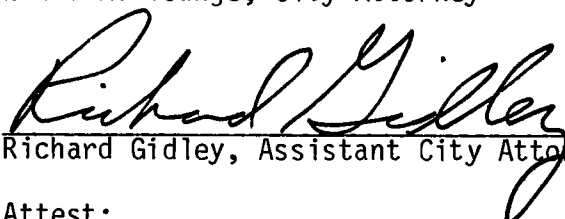
(SEAL)



Roy A. Ferguson, Mayor

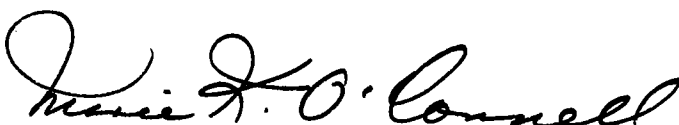
Approved as to form:

Linda M. Youngs, City Attorney



Richard Gidley, Assistant City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published June 11, 1983